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EXAMINER	
HOANG, HIEU T	

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,240	SMITH ET AL.	
	Examiner	Art Unit	
	Hieu T. Hoang	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 05/23/2007.

2. Claims 1-23 are pending in the application.

Response to Amendment

3. The 35 U.S.C. 112 rejections of claims 1, 12, and 19 have been withdrawn due to the amendment.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive. The only main argument is on pages 9-11 of the Remarks wherein the applicant argues that the cited prior art does not teach "an interaction system catalog in the portable computing device". The examiner respectfully traverses.

5. The prior art in fact does teach "an interaction system catalog in the portable computing device." Paragraph [0024] of the specification describes an interaction system catalog as a database storing information that links between tag (e.g. UPC code) and compatible payloads, including network address of the payloads. Wilz-Perkowski discloses an interaction system catalog in the portable computing device storing tag format information (fig. 2A, col. 9 lines 27-32, each retailer's client system such as a bar code scanning system has one UPN/URL database RDBS (e.g. RDBS No. 1, 2, etc.), each RDBS is shared with a master RDBS shown in fig. 1 and 2A. UPC catalogs are databases that correlate product information with product category, UPC

catalog 3, col. 14 lines 53-57). Therefore, a retailer's UPC database is a part of a master UPC database and is shared or updated or synchronized with the master UPC database via a communication link (e.g. wired or wireless). This is analogous to fig. 2 of the application wherein the local catalog 208 is updated by the remote database 230.

Claim Objections

6. Claims 1, 12, and 19 are objected to because of the following informalities. The claims recites the limitation "in the portable computing device". There is insufficient antecedent basis for this limitation in the claim. For examining purpose, this limitation will be treated as "in the portable interaction device". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilz, Sr. et al. (US 5,992,752, hereafter Wilz), in view of Perkowski (US 7,089,199).

8. For claim 1, Wilz discloses a wireless programmable user interaction system providing user interaction with networked services relating to physical objects that have associated machine-readable tags (title, abstract), comprising:

- a portable interaction device in wireless communication with a computer network (fig. 3 handheld device 26), the portable interaction device including a portable computing device (fig. 3 handheld device 26), with a payload processor (fig. 3 browser integrated GUI, col. 20 lines 10-11) and an associated machine-readable tag reader (fig. 3, barcode symbol scanner 20), wherein the portable interaction device generates tag identity information relating to a selected physical object upon operating the machine-readable tag reader to read a machine-readable tag associated with the selected physical object (col. 20, lines 13-17);
- a payload delivery service that delivers to the payload processor a selected functional payload, received via the wireless communication, to be executed by the payload processor to provide to the user a networked service corresponding to the selected physical object (fig. 6B, col. 21 lines 12-18 and 52-67, col. 22 lines 19-36, payloads such as descriptions of the information content of the selected object is delivered wirelessly to the browser of the portable bar code scanner and displayed on a GUI interface).

Wilz does not explicitly disclose an interaction system catalog in the portable computing device storing tag format information that correlates the tag identity

information with an identity information category to obtain one or more functional payloads operable by the payload processor; and

However, in the same field of endeavor, Perkowski discloses an interaction system catalog in the portable computing device storing tag format information that correlates the tag identity information with an identity information category to obtain one or more functional payloads operable by the payload processor (fig. 2A, col. 9 lines 27-32, each retailer's client system (a portable bar code scanner) has one UPN/URL database RDBS No. 1, 2, etc., each RDBS is shared with a master RDBS shown in fig. 1, UPC catalog 3, col. 14 lines 53-57, UPC catalog correlates product information with product category);

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wilz and Perkowski in order to provide Wilz's system with more functionality such as checking for accurate, up-to-date product information using the UPC catalog (Perkowski, col. 1, lines 62-65), also take advantage of the improved database structure (e.g. information fields and data elements, Perkowski, col. 17, lines 41-43.)

9. For claim 12, Wilz discloses in a portable interaction device with means for wireless communication with a computer network, the portable interaction device including a portable computing device and an associated machine-readable tag reader, wherein the portable interaction device generates tag identity information upon operating the machine-readable tag reader to read a machine-readable tag, user

interaction software stored on the portable computing device and providing user interaction with networked services relating to selected physical objects that have associated machine-readable tags (title, abstract, fig. 3, portable bar code scanner 26), comprising:

- a payload processor operating on the portable computing device (fig. 3 browser integrated GUI, col. 20 lines 10-11);
- a payload delivery service that delivers to the payload processor a selected functional payload to be executed by the payload, via the wireless communication, processor to provide to the user a networked service corresponding to the selected physical object (fig. 6B, col. 21 lines 12-18 and 52-67, col. 22 lines 19-36, payloads such as descriptions of the information content of the selected object is delivered wirelessly to the browser of the portable bar code scanner and displayed on a GUI interface).

Wilz does not explicitly disclose an interaction system catalog in the portable computing device storing tag format information that correlates the tag identity information with an identity information category to obtain one or more functional payloads operable by the payload processor.

However, in the same field of endeavor, Perkowski discloses an interaction system catalog in the portable computing device storing tag format information that correlates the tag identity information with an identity information category to obtain one or more functional payloads operable by the payload processor (fig. 2A, col. 9 lines 27-32, each retailer's client system (a portable bar code scanner) has one UPN/URL

database RDBS No. 1, 2, etc., each RDBS is shared with a master RDBS shown in fig. 1, UPC catalog 3, col. 14 lines 53-57, UPC catalog correlates product information with product category);

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wilz and Perkowski in order to provide Wilz's system with more functionality such as checking for accurate, up-to-date product information using the UPC catalog (Perkowski, col. 1, lines 62-65), also take advantage of the improved database structure (e.g. information fields and data elements, Perkowski, col. 17, lines 41-43.)

10. For claim 19, Wilz discloses a wireless programmable user interaction system providing user interaction with networked services relating to physical objects that have associated machine-readable tags (title, abstract), comprising:

- a portable interaction device in wireless communication with a local computer network (fig. 3 handheld device 26), the portable interaction device including a portable computing device (fig. 3 handheld device 26), with a payload processor (fig. 3 browser integrated GUI, col. 20 lines 10-11), and an associated machine-readable tag reader (fig. 3, barcode symbol scanner 20), wherein the portable interaction device generates tag identity information relating to a selected physical object upon operating the machine-readable tag reader to read a machine-readable tag associated with the selected physical object (col. 20, lines 13-17);

- a payload delivery service that delivers to the payload processor a selected functional payload, via the wireless communication, to be executed by the payload processor to provide to the user a networked service corresponding to the selected physical object (fig. 6B, col. 21 lines 12-18 and 52-67, col. 22 lines 19-36, payloads such as descriptions of the information content of the selected object is delivered wirelessly to the browser of the portable bar code scanner and displayed on a GUI interface); and
- a payload server (fig. 3, server 2,) communicating with the local computer network via a public global computer network (fig. 3, global network including radio base station 27, ISP 4 and information server 2) and providing the selected functional payload to the payload delivery service via the public global computer network and the wireless communication (the server provides the web page associated with the scanned bar code to the portable bar code scanner).

Wilz does not explicitly disclose an interaction system catalog in the portable computing device that stores tag format information that correlates the tag identity information with an identity information category to obtain one or more functional payloads operable by the payload processor.

However, in the same field of endeavor, Perkowski discloses an interaction system catalog in the portable computing device that stores tag format information that correlates the tag identity information with an identity information category to obtain one or more functional payloads operable by the payload processor (fig. 2A, col. 9 lines 27-32, each retailer's client system (a portable bar code scanner) has one UPN/URL

database RDBS No. 1, 2, etc., each RDBS is shared with a master RDBS shown in fig. 1, UPC catalog 3, col. 14 lines 53-57, UPC catalog correlates product information with product category).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Wilz and Perkowski in order to provide Wilz's system with more functionality such as checking for accurate, up-to-date product information using the UPC catalog (Perkowski, col. 1, lines 62-65), also take advantage of the improved database structure (e.g. information fields and data elements, Perkowski, col. 17, lines 41-43)

11. For claim 2, Wilz-Perkowski discloses the invention substantially as described in claim 1. Wilz-Perkowski further discloses the computer network includes a public global computer network (Wilz, col. 20 lines 18-30) and the system further comprises a payload server that provides the selected functional payload via the public global computer network and the wireless communication (Wilz, fig. 3, server 2, wireless link 5).

12. For claims 3, 13, and 20, Wilz-Perkowski discloses the invention substantially as described in claims 1, 12, and 19. Wilz-Perkowski further discloses a filter that identifies the identity information category of the tag identity information from among plural identity information categories stored in the interaction system catalog (Perkowski, fig.

4A1, col. 12 lines 26-37, UPC and EAN bar code data structures are distinguished by 2 different categories stored in the server).

13. For claims 4, 14, and 21, Wilz-Perkowski discloses the invention substantially as described in claims 3, 13, and 20. Wilz-Perkowski further discloses a catalog explorer that provides to the interaction system catalog via the wireless communication information to obtain one or more functional payloads that are operable by the payload processor (Perkowski, col. 19 lines 43-64, selectable network services, including UPN information, trademark information, and product description information, can be chosen by checking an appropriate checkbox) and to provide networked services that are compatible with the identity information category of the tag identity information (Perkowski, fig. 4A1, a pluralities of payloads stored in a database server is accessible using a browser on the portable device).

14. For claims 5, 15, and 22, Wilz-Perkowski discloses the invention substantially as described in claims 1, 12, and 19. Wilz-Perkowski further discloses a component that retrieves from the interaction system catalog an indication of plural selectable network services that relate to the selected physical object (Perkowski, col. 19 lines 43-64, selectable network services, including UPN information, trademark information, and product description information, can be chosen by checking an appropriate checkbox), wherein the selected functional payload corresponds to one of the plural selectable

network services (Perkowski, col. 19 lines 43-64, trademark payload corresponds to trademark mode, product description corresponds to product description mode).

15. For claims 6, 16, and 23, Wilz-Perkowski discloses the invention substantially as described in claims 5, 15, and 22. Wilz-Perkowski further discloses the payload delivery service provides the user with indications of the plural selectable network services and in which the user selects the network service corresponding to the selected functional payload (Perkowski, col. 19 lines 43-64, selectable network services, including UPN information, trademark information, and product description information, can be chosen by checking an appropriate checkbox).

16. For claim 7, Wilz-Perkowski discloses the invention substantially as described in claim 1. Wilz-Perkowski further discloses the machine-readable tags are bar code tags (Wilz, abstract).

17. For claim 8, Wilz-Perkowski discloses the invention substantially as described in claim 1. Wilz-Perkowski further discloses the networked service includes storing at a network location a user annotation relating to the selected physical object (Wilz, col. 21 lines 19-35, information associated with each bar-coded item can be edited).

18. For claims 9 and 17, Wilz-Perkowski discloses the invention substantially as described in claims 1 and 12. Wilz-Perkowski further discloses the portable computing device is generally programmable (Wilz, col. 11 line 39).

19. For claim 10 and 18, Wilz-Perkowski discloses the invention substantially as described in claims 1 and 12. Wilz-Perkowski further discloses the payload processor includes a browser that executes the selected functional payload (Wilz, fig. 3 browser integrated GUI, col. 20 lines 10-11).

20. For claim 11, Wilz-Perkowski discloses the invention substantially as described in claim 1. Wilz-Perkowski further discloses the payload processor provides execution of the selected functional payload directly by the portable computing device (Wilz, fig. 3 browser integrated GUI, col. 20 lines 10-11, GUI displays web pages associated with the scanned items directly on the portable scanner 26)

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Malkin et al. US 2003/0014269. Method for indicating consumer demand.
- Lubow et al. US 2006/0118631. Applying bar code information to products during production.

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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6/22/7

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER